

April 28, 1999

COMMISSION VOTING RECORD

DECISION ITEM: SECY-99-109

TITLE: RECOVERY OF MILLSTONE NUCLEAR POWER STATION, UNIT 2

The Commission (with all Commissioners agreeing) approved the subject paper as recorded in the Staff Requirements Memorandum (SRM) of April 28, 1999.

This Record contains a summary of voting on this matter together with the individual vote sheets, views and comments of the Commission, and the SRM of April 28, 1999.

Annette Vietti-Cook
Secretary of the Commission

Attachments: 1. Voting Summary
2. Commissioner Vote Sheets
3. Final SRM

cc: Chairman Jackson
Commissioner Dicus
Commissioner Diaz
Commissioner McGaffigan
Commissioner Merrifield
OGC
EDO
PDR
DCS

VOTING SUMMARY - SECY-99-109

RECORDED VOTES

	APRVD	DISAPRVD	ABSTAIN	NOT PARTICIP	COMMENTS	DATE
CHRM. JACKSON	X				X	4/23/99
COMR. DICUS	X					4/22/99
COMR. DIAZ	X				X	4/22/99
COMR. McGAFFIGAN	X					4/20/99
COMR. MERRIFIELD	X				X	4/20/99

COMMENT RESOLUTION

In their vote sheets, all Commissioners approved the staff's recommendation and some provided additional comments. Subsequently, the comments of the Commission were incorporated into the guidance to staff as reflected in the SRM issued on April 28, 1999.

Commissioner Comments on SECY-99-109

Chairman Jackson

I approve restart authorization for Millstone Unit 2 (i.e., I approve designating the Executive Director of Operations as the senior manager responsible for verifying restart actions are complete and approving commencement of actions to allow restart of Unit 2). This conclusion is based on a careful review of the information provided to me regarding Millstone Unit 2 readiness. I believe it is important that the Millstone Station continue to receive heightened attention under the NRC's new assessment program.

Based on the successful completion of both Unit 3 and Unit 2's Independent Corrective Action Verification Program (and the fact that based on NNECO's decision to permanently shutdown Unit 1, an ICAVP is not necessary at Unit 1), I approve closure of the August 14, 1996 Order on ICAVP. The staff should ensure, however, that lessons-learned from the appropriate aspects of Unit 3 and 2's ICAVP be verified as not adversely impacting those systems necessary for maintaining Unit 1 in a safe shutdown condition (e.g., spent fuel cooling, etc.).

I remain concerned about the "fragility" of the licensee's employee concerns program and safety conscious work environment (as evidenced by the increase in the receipt rate of allegations in February and March of this year). The staff should continue effective monitoring of these programs, and independently verify appropriate licensee actions were implemented, on a sampling basis.

I agree with the staff's conclusion to ensure close management attention is directed to the licensee's backlog management. The staff should ensure that the licensee's corrective action program improvements that were identified as being necessary, and were implemented during this extended shutdown (e.g., lower thresholds for reporting problems, more management emphasis on the need for employees to identify problems, prompt processing of operability determinations, improved performance indicators, root-cause analysis, and trending) are maintained.

The staff should work with New York State following the May 1999 exercise regarding the Indian Point site ingestion pathway/post-plume plans to disseminate information to the public and apply lessons-learned to the plans for the Millstone site.

I commend the NRC staff for their diligent efforts at inspecting, assessing, and evaluating licensee issues, programs and performance. I also commend local and federal elected officials, members of the public, public interest groups, and the press for their dedicated, questioning efforts.

Commissioner Diaz

I have carefully reviewed the staff analysis in SECY-99-109, the many Millstone related documents and reports, and the information provided by the staff, the licensee, Parsons, and the concerned interest groups during the April 14, 1999, Commission briefing, including the subsequent information regarding the 50-mile ingestion pathway. As a result, I agree with the staff's conclusions that (1) Northeast Nuclear Energy Company (NNECO) has satisfied the August 14, 1996, Independent Corrective Action Verification Program (ICAVP) Order and the Order should be closed; and (2) NNECO has taken appropriate corrective actions to support restart of Millstone Unit 2. I also approve the restart of Millstone Unit 2 under the conditions recommended by the NRC staff.

I like to reiterate that the Millstone units should be permitted to operate in accordance with their licenses and to return to normal regional oversight, as soon as conditions warrant. The Millstone units should stand on their own without extraordinary oversight by either the NRC or a third party. It is incumbent on the NRC to be able to assess the performance of the licensee under "normal" conditions.

I praise the staff's effort in working through the huge number of technical and regulatory issues associated with the Millstone station and in carrying out the extraordinary oversight exerted in the past three years.

Commissioner Merrifield

After careful review of the information provided to me regarding the restart readiness of Millstone Unit 2, I:

1. Agree with the staff's conclusion that NNECO has satisfied the August 14, 1996 Order for the Millstone Station and that the Order be closed.
2. Agree with the staff's conclusion that NNECO has taken appropriate corrective actions to support restart of Millstone Unit 2.
3. Support authorizing the restart of Unit 2 which entails changing the watch list status of Unit 2 from Category 3 to Category 2, and designating the EDO as the senior manager responsible for:
 - a) Verifying that the appropriate aspects of IMC 0350 are complete, and
 - b) Approving commencement of actions to restart Unit 2.

As I discussed in my comments related to [SECY-99-010](#), given the potential problems that could arise from activities such as the impending reorganization at Millstone, future NRC inspections or evaluations of the plant's SCWE are warranted. I believe that the staff must continue to be vigilant in its efforts to monitor the licensee's performance in the areas of ECP and SCWE so that any decline in performance is detected in its early stages.

As discussed at the April 14, 1999 Commission meeting, the licensee is facing many challenges in the near future including: 1) the Unit 2 restart, 2) the Unit 3 refueling outage, 3) the site reorganization, 4) maintaining a strong SCWE/ECP, 5) reducing backlogs on Units 2 & 3, 6) electric industry deregulation, and 7) implementing a new work control process. While I support a more "normalized" NRC regulatory posture for the Millstone plant, I strongly encourage the staff to be vigilant in its oversight of the facility to ensure the NNECO's efforts to meet these challenges does not distract from their focus on plant safety and sound operational performance.

As I stated at the Commission meeting, given the importance of an effective corrective action program, it is critical that both the licensee and the staff monitor the performance of this program closely so that indicators of problems are detected at an early stage.

Even after the restart of Unit 2, there will still be a great deal of stakeholder interest in Millstone. The staff should continue to be vigilant in its efforts to keep stakeholders informed of issues pertaining to Millstone. Without clear and effective communication with our stakeholders, our efforts to restore

public confidence in the NRC's commitment to safety at the Millstone plant will not be successful.

Finally, I commend the staff for their tireless efforts associated with the oversight of the Millstone plant.